

10/591669

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : (To Be Assigned) Confirmation No. : (TBA)
(PCT/JP2005/002740)
First Named Inventor : Akihiro ISHII
Filed : September 1, 2006
TC/A.U. : (To Be Assigned)
Examiner : (To Be Assigned)
Docket No. : 038788.58228US
Customer No. : 23911
Title : Optically Active 1-Aryl-2-Fluoro-Substituted Ethylamine
and Method for Producing Same

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 AND 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

☒ 1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later) or 3) before a first Office Action after the filing of a Request for Continued Examination, and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

☐ 2) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

☐ a Statement under 37 C.F.R. § 1.97(e); or

☐ a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

☐ 3) after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

☐ I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

III. Statement under 37 C.F.R. § 1.704(d)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

IV. Submission of Non-English Language Documents

☐ The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO-1449:

☐ The relevance of document(s) _____ to the subject matter of the present invention is/are provided in the specification of the above-identified application.

☐ Corresponding foreign or international report(s) citing document(s) _____, together with an English-language version(s) (if not already in English) of that portion of the report(s) indicating the degree of relevance found by the foreign office(s) is/are submitted.

☐ English language family member publication(s) of document(s) _____ is/are noted on Form PTO-1449.

☐ English language abstract(s) is/are submitted for document(s) _____.

☐ English translation(s) of the foreign language document(s) _____ is/are submitted herewith.

☐ Applicant submits the following explanations: _____.

V. Continuations/Divisionals

☐ Documents _____ were of record in parent application Serial No. _____, filed _____, from which this application claims benefit. As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously submitted to or cited by the United States Patent and Trademark Office in the afore-mentioned parent application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 038788.58228US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

September 1, 2006



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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number 104591669	
		Filing Date September 1, 2006	
		First Named Inventor Akihiro ISHII	
		Art Unit (To Be Assigned)	
		Examiner Name (To Be Assigned)	
(use as many sheets as necessary)		Attorney Docket Number 038788.58228US	
Sheet	1	of	1

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	AA	US-2002/0119992	A1	08-29-2002	Selnick et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					
	AB	WO 02/50056 A1		06-27-2002	Merck & Co., Inc.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AC	International Search Report dated May 31, 2005 with an English translation of the pertinent portions (Five (5) pages).	
	AD	TOROK, B. et al., "Synthesis of Chiral Trifluoromethylated Amines by Palladium-Catalyzed Diastereoselective Hydrogenation-Hydrogenolysis Approach", Advanced Synthesis & Catalysis, 2003 Vol. 345, No. 1+2, (pages 165-168).	
	AE	PIRKLE, W.H. et al., "Design of Chiral Derivatizing Agents for the Chromatographic Resolution of Optical Isomers. Asymmetric Synthesis of Some Chiral Fluoroalkylated Amines", Journal of Organic Chemistry, 1977 Vol. 42, No. 14, (pages 2436-2439).	
	AF	KATO, K. et al., "Enzymatic resolution of 2,2,2-trifluoro-1-arylethylamine derivatives by Pseudomonas fluorescens lipase in organic solvents", Journal of Molecular Catalysis B: Enzymatic, 2004, Vol. 30, (pages 61-68).	
	AG	BLAAUW, R. H. et al., "Intramolecular Photochemical Dioxenone-Alkene [2 + 2] Cycloadditions as an Approach to the Bicyclo[2.1.1]hexane Moiety of Solanoclepin A", Journal of Organic Chemistry, 2001, Vol. 66, (pages 233-242).	
	AH	PRAKASH, G. K. S. et al., "Facile preparation of di- and monofluoromethyl ketones from trifluoromethyl ketones via fluorinated enol silyl ethers", Journal of Fluorine Chemistry, 2001, Vol. 112, (pages 357-362).	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.